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8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-24

13 SUZANNE MARIE MAIKRANZ
A.K.A. SUZANNE MARIE ROEMER
14 7171 Calais Place
Newark, California 94560

A C C U S A T I O N

15 Registered Nurse License No. RN 579260

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

- 20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing.
22 2. On or about March 29, 2001, the Board of Registered Nursing issued
23 Registered Nurse License Number 579260 to Suzanne Marie Maikranz, also known as Suzanne
24 Marie Roemer (Respondent). The Registered Nurse License was in full force and effect at all
25 times relevant to the charges brought herein and will expire on August 31, 2008, unless renewed.

26 JURISDICTION

- 27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), under the authority of the following laws. All section references are to the Business and

1 Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Code provides, in pertinent part, that the Board may
4 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
5 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
8 against the licensee or to render a decision imposing discipline on the license. Under section
9 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
10 the expiration.

11 6. Section 2761 of the Code states, in pertinent part, that "[t]he board may
12 take disciplinary action against a certified or licensed nurse or deny an application for a
13 certificate or license for any of the following:

14 "(a) Unprofessional conduct

15

16 "(f) Conviction of a felony or of any offense substantially related to the
17 qualifications, functions, and duties of a registered nurse, in which event the record of the
18 conviction shall be conclusive evidence thereof."

19 7. Section 2762 of the Code states, in pertinent part, that "[i]n addition to
20 other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing
21 Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of
22 the following:

23 "...

24 "(b) Use any controlled substance as defined in Division 10 (commencing with
25 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
26 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
27 injurious to himself or herself, any other person, or the public or to the extent that such use
28 impairs his or her ability to conduct with safety to the public the practice authorized by his or her

1 license.

2 "(c) Be convicted of a criminal offense involving the prescription, consumption,
3 or self-administration of any of the substances described in subdivisions (a) and (b) of this
4 section, or the possession of, or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
6 thereof.

7 ". . . .

8 8. Section 490 of the Code states, in pertinent part, that "[a] board may
9 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the
10 crime is substantially related to the qualifications, functions, or duties of the business or
11 profession for which the license was issued. A conviction within the meaning of this section
12 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
13 which a board is permitted to take following the establishment of a conviction may be taken
14 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
15 or when an order granting probation is made suspending the imposition of sentence, irrespective
16 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

17 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
18 request the administrative law judge to direct a licentiate found to have committed a violation or
19 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
20 and enforcement of the case.

21 FIRST CAUSE FOR DISCIPLINE

22 (Substantially Related Conviction)

23 10. Respondent is subject to discipline under sections 2761(f) and 490 of the
24 Code in that she was convicted of a crime substantially related to the qualifications, functions or
25 duties of a registered nurse in that on or about July 6, 2006, in the Superior Court of California,
26 Alameda County, Fremont Hall of Justice, Case Number 217116, entitled *The People of the State*
27 *of California v. Suzanne Marie Maikranz*, Respondent was convicted by the court on her plea of
28 no contest of violating Vehicle Code section 23152(b) (driving with a blood alcohol content of

1 .08% or more) and admitted that during the commission of said crime, she had a concentration of
2 alcohol in her blood of .15 percent or more. The factual circumstances surrounding the
3 conviction in Case Number 217116-0 are as follows:

4 a. On or about January 17, 2006, Respondent, while driving with a blood
5 alcohol content of .15% or more, collided her vehicle, a 2002 Mitsubishi, into a center island
6 located at Haley Street and Jarvis Avenue in Newark, California. After being involved in that
7 traffic collision, Respondent unlawfully left the scene of the accident and returned to her
8 residence in Newark, California. When contacted there by Newark Police Officer Roman, who
9 had found Respondent's driver's license in the 2002 Mitsubishi after the collision, she admitted
10 that she was the driver of the vehicle involved in the collision and admitted that she had been
11 drinking Vodka prior to the collision. Once at the Newark Police Department, Respondent
12 elected to take breath analysis tests. The results of those tests were .21% and .23%.

13 SECOND CAUSE FOR DISCIPLINE

14 (Conviction of a Crime Involving Alcoholic Beverage)

15 11. Respondent is subject to discipline under section 2761(a) of the Code on
16 the grounds of unprofessional conduct as defined by Code section 2762(c) in that on or about
17 July 6, 2006, Respondent was convicted of a crime involving the consumption of alcoholic
18 beverages, a substance described in section 2762(b) of the Code, as set forth above in paragraph
19 10.

20 THIRD CAUSE FOR DISCIPLINE

21 (Using Alcoholic Beverages to an Injurious Extent)

22 12. Respondent is subject to discipline under section 2761(a) of the Code on
23 the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about
24 January 17, 2006, Respondent used and was under the influence of alcoholic beverages while
25 driving a vehicle. Said conduct was dangerous to herself or the public, as set forth above in
26 paragraph 10.

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1 PRAYER

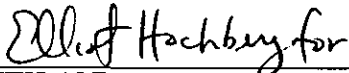
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 579260, issued
5 to Respondent Suzanne Marie Maikranz, also known as Suzanne Marie Roemer;

6 2. Ordering Respondent Suzanne Marie Maikranz to pay the Board the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 7/24/07

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13 
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 State of California
18 Complainant
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20 03579110-SF2007400821
21 CSR: 07.12.07
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